

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA**

v.

**TELEPHONE CONFERENCE**

**JASON D. SCHULTZ  
JESSICA M. GILBERT  
JESSICA HENSEN**

Case No. 13-CR-135

HONORABLE WILLIAM C. GRIESBACH, presiding

Tape No.: 102314

Deputy Clerk: Amanda

Hearing Began: 1:39 p.m.

Hearing Held: October 23, 2014

Hearing Ended: 2:16 p.m.

**Appearances:**

UNITED STATES OF AMERICA by: Daniel R. Humble and Matthew Jacobs

JASON D. SCHULTZ, by: Steven Richards

JESSICA M. GILBERT, by: John A. Birdsall

JESSICA HENSEN, by: Leonard Kachinsky

U.S. PROBATION OFFICE by: ☐ Mitch Farra ☐ Amy Kosmoski ☐ Brian Koehler ☐ Jeffrey Buckles

INTERPRETER: ☒ None ☐ Sworn

1:42 p.m. - AUSA Jacobs gives a brief update of the case and discusses expert testimony concerns.

1:44 p.m. - Attorney Birdsall discusses coordinating witness and exhibit lists with other counsel.

1:45 p.m. - The Court addresses the objection Attorney Birdsall raised with expert witness Inspector Latham. The Court asks the government to explain what this expert will testify to and how it fits into this case.

1:49 p.m. - AUSA Humble provides some explanation as to how they intend to use the witness.

1:55 p.m. - Attorney Birdsall responds and would like the Court to preclude the witness from testifying. Attorneys Richards and Kachinsky are in agreement.

1:58 p.m. - The Court finds that there is use for an expert here and will not exclude the witness from testifying. The Court finds that number six of motion [185] is DENIED.

2:01 p.m. - The Court directs Attorney Humble to give the court an expert report before the witness testifies.

2:01 p.m. - Attorney Birdsall requests that the Court give instructions, pertaining to the witness, to the jury before the testimony and also after. The Court directs Attorney Birdsall to craft the instruction as he thinks it should be given. The government should provide a standard instruction if they have one and the court will also work on drafting instructions.

2:04 p.m. - The Court is confident that the use of cautionary instructions will protect the individual defendants.

2:06 p.m. - The Court addresses strikes with counsel; each defendant will get four strikes and the government will have a total of seven. The order in which the defendants will take their strikes and do the questioning will be Jason Schultz (first), Jessica Gilbert (second) and then Jessica Hensen (third). If the parties have any concerns or objections they should inform the court.

2:09 p.m. - AUSA Humble asks for the parties to stipulate as to the admittance of the bank records; the parties

agree. Counsel has no objections to the other stipulations AUSA Humble had sent out.

2:10 p.m. - Attorney Kachinsky brings up a concern he has about the treatment of prior convictions by witnesses. The Court references rule 609. The Court directs counsel to talk about it and see if they can stipulate; if they cannot, counsel is to inform the Court. This is something that should be addressed outside of the presence of the jury. Counsel are instructed to be at the Brown County Courthouse on Monday morning at 8:30 a.m.

2:15 p.m. - Attorney Kachinsky requests that the Court inform the jury that Jessica Hensen has gotten married and now goes by Jessica Weinhart.

2:15 p.m. - Judge Griesbach and counsel discuss preliminary and final instructions.

2:16 p.m. - Attorney Birdsall discusses the report for expert Tracy Conant. Judge directs Attorney Birdsall to e-file the report.